

NEVADA EARLY INTERVENTION INTERAGENCY COORDINATING COUNCIL

January 10, 2008
MINUTES

ATTENDANCE

Interagency Coordinating Council Members Present:

Ann Bingham, Co-Chair	University of Nevada, Reno, Dept. of Educational Specialties
Cindy Johnson for Jerry Allen	Nevada Division of Welfare, Child Care Financing
Nora Bryan Behrens, Co-Chair	Parent Representative – Northern Region
Yvonne Brueggert	Nevada Disability Advocacy and Law Center
Alice Chernich	Sunrise Hospital
Paula Crawford	Southern Nevada Early Intervention Services
Jyotikaben Bhakta for Chuck Duarte	Division of Health Care Finance and Policy
Dianne Farkas	Family to Family Connection, Las Vegas West
Kate Green for JoAnn Johnson	Nevada University Center for Excellence in Disabilities
Robin Kincaid	Nevada Parents Encouraging Parents
Joyce Larsen	Division of Child and Family Services, Early Childhood Mental Health
Pamela McKay	Division of Insurance
Terri L. Golish for Johnette Oman	Northwest Nevada Early Intervention Services
Betty Sherwood	Parent Representative - Rural
Richard Weathermon	Nevada Governor's Council on Developmental Disabilities
Randy Figurski for Richard Whitley	Health Division

Interagency Coordinating Council Members Absent:

Myra Berkovits	Clark County School District Title I HOPE
Molly Hayes	Nellis Child Development Center
Sheila Leslie	Assemblywoman, Nevada Legislature
Nancy Sileo	University of Nevada, Las Vegas, Dept. of Special Education
Shannon Springer	Parent Representative – Northern Region
Bodi Wallace	Parent Representative – Southern Region
Sherry Waugh	Early Head Start

Department of Health and Human Services Staff Present

Brenda Bledsoe, Part C Staff	Office of Disability Services/IDEA Part C Office
Todd Butterworth, Bureau Chief	Office of Disability Services
Margot Chappel, Director	Head Start State Collaboration Office
Daniel Dinnell, Part C Staff	Office of Disability Services/IDEA Part C Office
Edie King, Part C Staff	Office of Disability Services/IDEA Part C Office
Mary Liveratti, Deputy Director	Director's Office
Sherry Manning, Social Services Specialist	Governor's Council on Developmental Disabilities
Iandia Morgan, Part C Staff	Office of Disability Services/IDEA Part C Office
Wendy Whipple, Part C Coordinator	Office of Disability Services/IDEA Part C Office
Melanie Whitney, Part C Staff	Office of Disability Services/IDEA Part C Office

Nevada State Health Division Staff Present:

Janelle Mulvenon, Bureau Chief	Bureau of Early Intervention Services
Cathy Robinson, Administrative Assistant	Bureau of Early Intervention Services
Diane Branson, Speech Pathologist	Autism Training and Technical Assistance Office
Catherine Armstrong, Counselor	Autism Training and Technical Assistance Office

Public/Guests Present:

Amy Culpert, Director
Deela L. Coutu, Director
Grace Samom
Marissa Reynolds
Toni Richard
Stephanie Crowne

Easter Seals of Southern Nevada
REM Nevada, Inc.
Parent
Parent
Parent
Parent

CALL TO ORDER

N. Behrens, Co-Chair, called the meeting to order at 9:30 a.m.

Introductions and Announcements

Introductions were made in Reno and Las Vegas.

APPROVAL OF MINUTES

Y. Brueggert questioned the use of the word prohibitive on page 8 in the section regarding complaint investigation. W. Whipple explained this was a directive from OSEP due to their interpretation of the regulations. Y. Brueggert requested to have an agenda item for a future meeting regarding a discussion about the current content of the information on the state complaints reports to the ICC.

MOTION: Approve the minutes of the November 29, 2007 meeting as written.
BY: A. Bingham
SECOND: B. Sherwood
VOTE: Motion Passed

REVIEW, DISCUSSION, AND APPROVAL OF THE STATE PERFORMANCE/ANNUAL PERFORMANCE REPORT

W. Whipple began by stating the BEIS annual report was included in the meeting packet which is an internal state report developed every year to report on the status of early intervention and is an informational report only. The data information reviewed during each of the ICC meetings is included in this report. W. Whipple commented on the confusion between this report and the Part C Federal Annual Report. The Part C Federal Annual Report is a federally required report submitted every year by February 4. For the new ICC members, she explained that in 2005 the State Performance Plan (SPP) was created as a six year plan with 14 indicators mandated by OSEP. These indicators do not cover every requirement under IDEA but were created because OSEP believed them to be most closely aligned to tell if a state was doing well in their system or not. W. Whipple remarked that within the report the box for Measurable and Rigorous Target will reflect 100% for compliance indicators and those with less than 100% are not a compliance indicator but an indicator where each state gets to establish their own target. States are held accountable for only compliance items and OSEP is now giving determinations based on the annual performance report. If OSEP determines the state is meeting compliance in all areas, their determination will be meet requirements. If the state is not quite there but looks like it is aligned to get there and procedures are in place, the determination will be needs assistance. If the state has systemic non-compliance for longer than one year, their determination will be needs intervention. Nevada's determination last year was under this heading due to the long standing non-compliance related to the 45 day time line. The last category is needs substantial intervention. Last year was the first year these determinations were used by OSEP and no state was put under this category. However, notification has been received from OSEP that they will be much more rigid in their determinations this year. OSEP can also put special conditions on a grant application. When this report is submitted in February, OSEP will be looking at data and will make the determinations for our next grant award. The special conditions Nevada has currently been under has required additional reporting to OSEP. If special conditions are not met with this reporting, the next step could be a compliance agreement for the grant. This would mean that OSEP

would be directing the items needed to be done to become compliant and the state would have three years in which to do it.

W. Whipple explained the rotational process of reporting noting that each program must be reported on at least once during the six year period. She and Part C staff proceeded to go over each indicator reviewing the data included in each one.

REVIEW AND POSSIBLY APPROVE A DRAFT LETTER TO THE GOVERNOR REGARDING THE NEED FOR INCREASED FUNDING FOR NEIS SO THEY MAY REMAIN IDEA COMPLIANT

N. Behrens stated she composed a draft letter and sent it to all committee members who expressed an interest. She received comments back from those members and revised the letter which is before the council now. R. Kincaid stated it is a very good letter but suggested the letter mention the impact to private providers also. A. Bingham suggested in the second paragraph, third line from the bottom, be changed from "area" to "state". D. Farkas remarked in the second to last paragraph of the letter where the last line states "handling these litigations will be costly" the word "will" should be changed to would or could. It was also suggested to replace the term family resource coordinator with service coordinators. A. Bingham asked to have her name added to the signature line of the letter. A discussion on how the letter would be delivered to the Governor took place. It was decided that a small group of members would make an appointment with the Governor to present the letter and a notification be sent to Sheila Leslie who is the assembly representative on the ICC.

MOTION: Revise the letter as discussed and then submit it to the Governor of Nevada.
BY: Y. Brueggert
SECOND: A. Bingham
VOTE: Motion Passed

DISCUSSION REGARDING PARENTAL CONSENT PRIOR TO BILLING MEDICAID AND POSSIBLE RAMIFICATIONS FOR NEVADA PART B OF IDEA

R. Kincaid stated that as families are prepared for the transition from Part C services into the Part B system they be kept aware of the choices they have and that IDEA 2004 Part B regulations now require consent for the use of Medicaid. As an advocate, she encourages families to allow Medicaid to be billed for their services. Families should be aware of their choices and have the opportunity to ask questions especially regarding the affects to them if they receive services through a waiver program such as Katie Beckett and are paying parental obligations for these. She suggested having a training for those staff members who are preparing families for transition. She asked for members to keep this issue in mind when Part C regulations are received.

W. Whipple stated the regulations will probably not be received before fall 2008. She explained IDEA was reauthorized in 2004 which demonstrates how long it is taking to get regulations. By the time the new regulations are received, IDEA will be up for reauthorization again. It is a very tedious and laborious process. Part of the reason it is taking so long is that OSEP received 3,500 public comments on the proposed Part C regulations and they must respond to every comment while trying to write the regulations.

DISCUSSION AND POSSIBLE CREATION OF A WORKGROUP TO STUDY THE AFFECTS OF CHARGING FAMILIES FOR EI SERVICES (PARENT FEES)

W. Whipple stated this has come up for discussion internally within state agencies. Part C is different from Part B where the requirement is free appropriate public education so every child is entitled to go to school. Early intervention (EIS) was not designed like that. Part C regulation has always allowed that families could cost share in EIS but Nevada has never elected to do this in the past outside of asking families for permission to bill insurance which is on a consent basis. . As states child counts go up, and also as the IDEA regulations put more requirements on states without increasing the federal funding, more states are moving to cost sharing with families. Approximately, 10 years ago, ICC looked at this as a feasibility study and determined the costs

outweighed the benefit. At that time, there were maybe five states that used cost sharing and currently about 70% of the states have implemented some form of cost share for early intervention. This agenda item is proposing a work group to study this issue. At the last ICC meeting it was reported the increase in the number of children coming into the programs with the current funding is jeopardizing programs ability to meet compliance. W. Whipple remarked that there is a national list serve that Part C belongs to and is allowed to submit questions which goes to all the states. Another state had just put a similar question on the list serve asking for information because they were now considering this. Information from the listserve would be a starting point for the workgroup. The workgroup could look at what other states have implemented, what their system looks like and whether or not their legislature mandated the cost share because of revenue shortfall. Nevada does not have a legislative mandated cost share but to be fiscally responsible the possibility needs to be considered. W. Whipple did advise that fees will always be based on a sliding scale and will not prevent families from receiving EIS for an inability to pay because that is against federal regulation.

Those in attendance who volunteered to participate in the workgroup were: Randy Figurski, Todd Butterworth, Paula Crawford, Nora Behrens, Robin Kincaid, Johnette Oman, and Stephanie Crowne.

C. Armstrong stated charging families a small amount sometimes promoted their participation in the program which is good for the client. Y. Brueggert noted her concern regarding how many families would not take advantage of the programs due to their inability to pay the cost sharing. W. Whipple provided insight into what other states are doing, the downfalls they experienced and the processes that worked for them. P. MacKay spoke about the insurance industry within the state of Nevada and the companies that do not have traditional insurance where there is a policy stating what is covered. The businesses who are self-insured provide their own insurance and tell the employees what benefits they will provide and have administrators who pay the claims per what the plan will provide. There are a bigger variety of health plans which are not necessarily through insurance companies. R. Figurski added that in regard to Autism coverage there are 18 states that have instituted some type of insurance reform through legislation and they have addressed the issue of self funded programs. Self insurance plans are the largest insurers in the state compared to health insurance companies.

R. Kincaid voiced her opinion on how this is not the time to be charging fees. She believed the retention rate of children in early intervention needs to be increased before considering this and based this on the transient rate of the state and the inability in meet the 2%. A way needs to be found to get funding quickly rather than creating a system of family fees. She felt that charging families will create barrier to accessing services.

MOTION: Create a workgroup to investigate the affects of charging families fees for early intervention services.
BY: A. Bingham
SECOND: R. Figurski
VOTE: Motion Passed

J. Mulvenon added that she and Gary Oehlert, would happily be a resource for this committee. M. Whitney volunteered to assist the workgroup also since she is the data manager for Part C.

UPDATE AND DISCUSSION ON THE STATEWIDE DEVELOPMENTAL SCREENING PROJECT

R. Figurski reported that a year ago the Health Division Administration designated him into a position to provide autism screening, diagnosis and treatment planning services across the state. The full name of the program is the Office of Developmental Screening and Autism Training and Technical Assistance. The types of services provided by the office are direct services which involve level one developmental screening for children four to sixty months of age; a level two autism specific screening for children up to five years of age, and diagnostic outreach program which is in formulation. Secondly, the office performs public awareness of autism spectrum disorders across the state. Thirdly, they are currently looking at a process for providing training and technical assistance such as a train the trainer model. Office Staff will also assist programs in

developing autism policies and procedures to implement best practices across the state and to provide parity across the regional programs. Fourthly, they provide liaison service between public and private programs that provide services for families living with autism. They are currently working to build partnerships with the Lilli Claire foundation which has a presence in Las Vegas and are looking to build their developmental diagnostic team so that they can have a team located in Northern Nevada. He has received a number of calls from families across the state who have concerns about autism services. In these cases, if they are within the age range, he receives the call, determines what the issues are, offers the screening project to them, and appropriate referrals and recommendations for follow up. He stated he does receive a lot of calls regarding children over the age of five.

W. Whipple inquired about the age limits of Lilli Claire and if the screening project is doing outreach to family doctors and pediatricians. R. Figurski replied Lilli Claire has no age limitations, as his program does and outreach to physicians is a current effort of the project. He also stated that large number of families within Nevada do not have a medical home. The first contact with a physician might be when the children are entering school and are required to have immunizations up to date. Y. Brueggert asked how parents contact the project. R. Figurski stated there is a toll free number and call center that is shared with the Maternal and Child Health program Children with Special Health Care Needs 800 phone number. The call center takes the call and emails his staff, who then contacts the families to being the screening process. A website specific to the program is in the process of being built but information can be found on the Health Division website.

EARLY CHILDHOOD SPECIAL EDUCATION ENDORSEMENT PROPOSED CHANGES

Possible creation of a workgroup/committee to provide advisement to Part C Office regarding requirements for employee auto progression in the Developmental Specialist series classification

W. Whipple stated this agenda item was on the last agenda as a discussion only item so no action was taken. She briefly gave an overview of the endorsement issue and the discussion that took place. A request was made for participants for a workgroup to address this issue. ICC members who volunteered to be on this workgroup were Paula Crawford, Sherry Waugh, Betty Sherwood, Kate Green, Johnette Oman, and Nancy Sileo. J. Mulvenon stated this issue was introduced before and meetings with state personnel had taken place. BEIS will wait and ask state personnel to make changes after Part C makes their policy changes. W. Whipple stated this is part of our required policies under comprehensive system of personnel development to have a highly qualified staff. These changes will have to go to public comment and then be included in the application which is due in May.

MOTION: Create a workgroup to provide advisement to Part C on the requirements for auto progression in the developmental specialist classification.

BY: A. Bingham

SECOND: J. Oman

VOTE: Motion Passed

CHAIRMAN/MEMBER ITEMS

Schedule Future Meetings

- April 17, 2008 at 9:00 a.m. in Reno at NEIS, 2667 Enterprise Road. Face-to-face strategic planning summit.
- July 10, 2008 at 9:00 a.m. in Reno and Las Vegas

Agenda Items for Next Meeting

- disseminating information on state complaints
- workgroup updates

PUBLIC COMMENT

Stephanie Crowne, a parent in the north, directed her comments to agenda item 6 regarding parent fees. She stated she was alarmed over the possibility of losing her daughter's providers over lack of funding and started doing research which led her to the ICC. In her opinion, the program should be billing her private insurance company for services her daughter receives because it creates an unnecessary burden on the program and is in a fashion subsidizing commercial insurance companies. The services her daughter receives from NEIS are critical and the quality of the program is of paramount concern to her, which as a parent she expects to pay for. She did note it would be simpler if the orders she receives from NEIS did not have to be processed by her daughter's doctor to be filled. Also noting that continuity of service is very important.

Two parents spoke regarding their experiences with NEIS South and obtaining services. Both parents related difficulties in getting an IFSP completed or the services specified on the IFSP for their children. They stated information provided to them by NEIS staff during home visits was inadequate. One parent stated she believes NEIS services are flawed, inadequate for her autistic child and needs to find a new direction. She also stated that she felt the professional staff had been judgmental towards the family and had altered documents.

Announcements

W. Whipple stated K. Allred's position has been filled by Stefanie Kujaczynski. She was the 619 coordinator from Michigan and is originally from Nevada. She will be joining the ICC and attending the April 17th meeting.

R. Weathermon announced his retirement and Sherry Manning would be taking over for him.

Y. Brueggert asked in regards to the parents who gave comment earlier in the meeting, if follow-up and an acknowledgment of the parents could be done. This sparked a discussion of whether that would be considered an action on a public comment item and how to better handle parent comments in the future by perhaps having two comment times during the meeting. In relation to this, Amy Culpert asked, on behalf of Lynn Coutu and herself, if there could be child care available for parents who attend these meetings to make comment and if specific times for public comment could be done. W. Whipple stated child care could not be provided for in this instance and if specific times were noted on the agenda, no other ICC business could be discussed until that time period had passed.

ADJOURNMENT

Co-Chair N. Behrens adjourned the meeting at 3:30 p.m.